

**Minutes of the Carlisle Board of Health  
October 20, 2015**

**Bills**

**Administrative Reports**

Minutes 9/15/15 & 9/29/15

338 Bedford Road – TILL, Inc. (Dafna Krouk-Gordon, TILL) #1

- Sewage Disposal System Design
- Permit Conditions – to be discussed
- Email from Lyn Lemaire 10/19/15 re: Nitrogen loading
- Letter Town Counsel to Housing Trust (tentative)
- Site Plan Review memo to Planning Board 10/13/15

Benfield Farms - FAST System update (Toby Kramer, NOAH) #2

- Proposed work plan

**DISCUSSION ITEMS**

Senior flu clinic – report #3

Septic Loan Application – completed #4

Installation Inspections 2015 – tracking database #5

Unpaid Barn Fees (table for meeting with Animal Inspector) #6

95 Hanover Hill – requests from applicant #7

Work Place Safety - discussion

Land Irrigation Policy – proposed draft #8

Sanitary Code – complaint #9

The meeting was called to order by the Chairman at 7:00 pm at town hall. Present were Board members Bill Risso (Chairman), Lee Storrs, Catherine Galligan, Donna Margolies and Todd Thorsen. Also present Linda Fantasia, Health Agent, Cynthia Sorn, Carlisle Mosquito.

**BILLS** – Payroll and September engineering invoice. **It was moved (Galligan) and seconded (Storrs) to approve the bills as presented for payment. Motion passed 5-0-0.**

**ADMINISTRATIVE REPORTS –**

**Ground Source Heat Pumps (GSHP) /Geothermal Wells** –for single family residences no longer need to register with DEP.

**Ram hoe-** Two abutters thanked the Board for providing advance notice of the work. The developer also called Risso and the office. The work was completed in one day. Additional work is scheduled for later in the fall.

**Mosquito Abatement Proposal** – Vector Disease Control International would like to talk with the Board about a mosquito control/surveillance program. This would be independent of joining a Mosquito Control Program. The town would have more options. The Board agreed to review the material.

**Certificates of Compliance** –An installer has not signed the Certificate of Compliance because he has not been paid. Title 5 requires the design engineer and installer to sign the Certificate within 30 days of the final inspection. The Board agreed that the installer needs to sign the Certificate. The Board cannot get involved in private contractual problems. The installer has other ways of collecting his money including a mechanics lien.

**Community Septic Loan Update** – The Interim Loan note expires 2/15/16. Larry Barton, Finance Director, does not recommend continuing the program. All but one of the seven loans has been paid off. The town received a \$10,000 stipend to cover administrative costs. There is a small balance remaining. Some owners used the money as a bridge loan prior to selling. The program is intended to assist homeowners facing financial hardship so that they can remain in the home. There is one application before the Board but this will be the last under the loan program. Board members were not inclined to continue the program.

**West Nile Virus (WNV)** – Dept. of Public Health reported a 9<sup>th</sup> human case in the state. The patient contracted the illness in Suffolk County. She did not need to be hospitalized and has recovered. The risk level for the various counties has not changed. There were 6 human cases in 2014. The risk for WNV remains until there is a hard frost.

## **DISCUSSION ITEMS**

**Senior Flu Clinic** – The Board reviewed a summary report of the clinic: 84 flu shots were administered, including 3 public safety, 1 employee, 80 seniors. Two home visits were done on the following Tuesday. The clinic hours were 10 am to noon, but many seniors started arriving early. Council on Aging volunteers included Dee Stillings, Karen Dunkers, Alice Hardy, Linda Lineback, Elizabeth Rambuske and Sheila Semrad. They are former nurses and volunteered at previous clinics. This year the state required that all immunizations be registered with the state's Municipal Immunization Information System (MIIS). Residents had to be informed that they could opt out of the database requirement. Robbins Brook (Benchmark, Inc.) provided refreshments and helped with set up. Suggestions were made on how to improve next year's clinic.

**Septic Loan Application** – The system was in failure when the property sold in June of 2013. A Title 5 Inspection was not done until 5/14/15 confirming the failure. The leaching area is only 47' from the existing well. A plan to upgrade the system has been approved. The Board requires that the system be replaced by 11/30/15. The owners submitted three installation estimates which were reviewed by Fantasia. Financial eligibility documents were approved by Larry Barton. The owners are requesting \$19,450 which will be paid back through 10-year betterment at 5%. The Board agreed the application met the requirements for a loan.

**It was moved (Storrs) and seconded (Thorsen) to approve a loan of \$19450 under the Community Septic Loan Program for 429 Cross Street, Carlisle, MA. Motion passed 5-0-0.**

### **338 BEDFORD ROAD – Sewage Disposal Construction Permit.**

Present for the meeting: Dafna Krouk-Gordon (TILL Development), Paul Carey (Samioties Consultants), Tom Nordberg (TILL Development), Carlisle Housing Trust Members John Gorecki, Karina Coombs, Carolyn Ing, Vanessa Maroney; Carlisle Housing Coordinator Elizabeth Barnett, Carlisle Housing Authority Members: Alan Lehotsky and Mark Levitan.

The project involves the construction of a soil absorption system and private well to support two group homes for adults with intellectual disabilities submitted by the developer TILL, Inc. who holds a 99-year ground lease with the Carlisle Affordable Housing Trust.

Gorecki explained that the Housing Trust was still meeting in open session. Questions had arisen on who should be the applicant for the septic permit and how to address the Title 5 nitrogen loading requirement. The ground lease does not have sufficient land area to meet the nitrogen loading requirements for a nine-bedroom system. Town counsel provided the Trust with three options: TILL could lease an additional area from the Trust; The Trust could grant an easement for nitrogen credit land; the Trust could become a party to the application since they have control over the entire parcel. Gorecki said the Trust had voted to execute the second option – granting a nitrogen credit easement to TILL who would be the owner/applicant of the system. The Board said this will require a revised septic plan showing the easement and the recording of Facility and Non-Facility Agreements at the Registry. The Board must approve the plan and Agreements. Gorecki said the Trust has allocated additional funds for this purpose.

Carey then explained that a revised plan addressing all of the technical deficiencies had been submitted. The Board reviewed a letter from Rob Frado stating that the plan was now in compliance with all local and state regulations. The Board asked whether a single septic tank would be more efficient and economical. Carey said it would be difficult to site the tank without adding a bend to the sewer line. The two tanks can also function independently of each other should there be a problem. Two tanks provide more emergency storage than a single tank. An oversize tank requires a special order and there may be no cost benefit. Fantasia had also checked with Frado who preferred two separate tanks. Carey also said that the application form would be corrected to list TILL as owner/applicant.

The Board asked whether the property would have an irrigation system. Krouk-Gordon said it would not. Risso suggested that the tanks be pumped annually. This is a requirement for other multi-unit housing in town. Krouk-

Gordon said the project is no different from other large homes in town and questioned whether the Board requires annual pumping for those. Galligan said it can be easier to remember to pump once a year than to track every other year. Krouk-Gordon said that TILL has an excellent reputation for taking good care of its properties. She did not think the Board should be concerned. Risso asked if the other properties were dependent on private wells and septic. Krouk-Gordon thought some were but could not identify them.

Risso said he was concerned that the units will be staff 24 hrs. /day, have two separate kitchens, and nine fulltime residents with possible caretakers. This is not typical of a single family home. Levitan said the Board needs to recognize that under the state guidelines, the project must be treated as a single family home not multi-unit housing. Storrs said it was a complicated situation because the two units are not a single family home but neither are they a condominium development. Margolies said she understood the point and that it is not your typical permit application. Galligan said that regardless of the type of structure, the Board is only interested in protecting the groundwater. The cost of an annual pump out is significantly less than the cost of replacing a failed system. It is money well spent on preventive maintenance. She noted that the project required town meeting approval which is not typical of a single family home. She was surprised that there was an objection to annual pumping.

Fantasia recommended testing the well annually. The state recommends annual testing for bacteria and 3-5 years for general water chemistry. Krouk-Gordon said that if it is a state recommendation they would consider it. Storrs felt annual pumping of the tanks should be required. Fantasia noted that a Title 5 Inspection is only required when a property transfers. TILL has a 99-year ground lease so there will be no need for a system inspection. It may be difficult to know if the system has failed unless it backs up into the house or breaks out to the surface. It then becomes an emergency health situation.

Levitan still felt that if the Board sets conditions it is treating the property differently from other single family dwellings in town. There will be no children living at the house. TILL will be acting as the homeowner. Krouk-Gordon said TILL has managed many other group homes for 35 years very successfully. She did not see why the Board of Health would not trust them to do the same in Carlisle. Galligan said the management will change. Past actions do not always predict the future. Risso said that although TILL sees the residents of group homes becoming a de facto "family" they will still be nine unrelated occupants. There will also be staff and caretakers. Barnett said the typical septic system in Carlisle lasts 45-50 years without the need for special conditions. The same principle should apply to 338 Bedford Road. Risso wanted to know TILL's maintenance procedures and whether it involves preventive maintenance. Krouk-Gordon did not think it was necessary to go into detail about their procedures. They have a mechanical maintenance department that is available for all of their properties. She felt there was nothing that made this project any different from a single family home. Risso said that was her opinion.

Fantasia noted that the Conservation Commission has not yet approved the work in the buffer zone. There may be an issue on storm water management. Carey did think this would be the case and should have no impact on the septic system location.

Storrs said he was considering changing his opinion on requiring annual pumping of the septic tank. The property will be managed by a professional company so it should not be an issue. Margolies agreed. Thorsen also agreed noting that there will be professional staff onsite 24 hours/day. Galligan said she was puzzled that TILL would not be doing the pumping anyway. She would like more information on their maintenance procedures. TILL had not demonstrated to her that their management of the property will be protective of public health and residents living downstream.

Krouk-Gordon said the Board needs to apply the "family test" and whether similar conditions are applied to family homes. She noted that the Town of Carlisle chose TILL to develop the property based on their experience and successful record with similar group homes. There is no reason for the Board to impose additional conditions. It is a bad precedent in that the Board is alleging that TILL will not provide appropriate oversight and management. TILL is a very reputable agency and the Board should have full confidence that they will manage the property correctly. Lehotsky said the system was already oversized so requiring an annual pump out was unnecessary. Risso reminded Lehotsky that the Board had already decided that the design flows had to be 110 gpd/bedroom. The Board is simply following the state's design flows for a bedroom. There is no choice. Risso was in favor of testing the well annually. Regular testing is a standard Board recommendation and one of the reasons that the Board sponsors a voluntary bi-annual well testing program.

The Board added that the Nitrogen Credit Easement was still required. Coombs informed Krouk-Gordon of the Trust's decision to record an easement.

**It was moved (Storrs) and seconded (Thorsen) to grant conditional approval of a Sewage Disposal Construction Permit for plan entitled "Affordable Group Home 338 Bedford Road, Carlisle, MA, prepared by Samiotes Consultants, Inc., revised 10/16/15".**

**Risso polled members on possible conditions for approval:**

- **Submittal of a Nitrogen Loading Easement and plan (Yes - unanimous);**
- **No garbage grinder allowed (Yes - unanimous);**
- **Annual pumping of the septic tank (Yes – Storrs, Risso; No – Thorsen, Margolies, Galligan);**
- **Annual testing of the well (Yes – Storrs, Risso, Galligan; No – Thorsen, Margolies);**
- **Approval of the Conservation Commission for work in the buffer (Yes – unanimous)**

**Motion passed (5-0-0) with the conditions that a Nitrogen Loading Easement and Plan be submitted for Board approval; garbage grinders are prohibited; annual testing of the well and Conservation Commission approval for work in the buffer zone.**

Lehotsky said he had talked with the town administrator who confirmed that the Board does not have the right to impose conditions on the group home project. Fantasia said town counsel advised that the Board could not impose conditions that would prevent the project from being constructed as proposed.

Krouk-Gordon asked what would happen if they did not accept the conditions of the permit. Fantasia said there is an administrative appeal process to the state.

**BENFIELD FARMS** – Toby Kramer (NOAH) appeared before the Board with an update on the installation of the automatic feed system for the FAST unit. The installation work is being done by Underground Technologies. It is taking longer than expected. The work calls for snaking two plastic pipes for the Carbon and Alkalinity supplements through the 10" vent pipe. The lines will feed into the Equalization tank. Kramer has ordered the two 55-gallon drum storage tanks for the Micro-C1000. Next week a motorized feed system will be installed to regulate flows. At this time, they will only be feeding the system with Carbon which has shown good results. NOAH would like to delay the Alkalinity supplement until there is more testing since it is more costly and may not be necessary. Kramer is looking into ordering a shed to house the drums; until then they will be stored outside. NOAH is also proposing to install the underground bio-vent to reduce odors. Kramer will be checking with the Conservation Commission since the shed will be in the buffer zone. It takes 6-8 weeks to order a shed. It may require a building permit.

The Board asked if the weekly testing was being done. Kramer said the temporary feed system is not very accurate or measurable and they would prefer to wait until the new system is operational since that should provide dependable test results. The Board felt it was still important to continue weekly testing and Kramer agreed to do so.

Kramer said there are significant costs involved for the installation work, materials and shed. She estimated that it was more than \$5,000 but less than \$10,000. She would like to access the septic escrow fund to cover the expenses. The Board agreed that the expenses were necessary for the proper functioning of the system and within the guidelines for accessing the escrow account.

Kramer said the septic tanks were pumped but not the Equalization Tank. Mark Beaudry of Meridian Engineering observed a layer of grease that had to be pumped. Kramer said the property manager will educate residents about not disposing grease down the sinks. This was the first annual pump out of the system.

The Board asked about the water quality which was a complaint by some residents at the last meeting. Kramer said the Certified Well Operator had checked the units and did not find any problems. The issues have seemed to resolve. There have been no more complaints.

The Board noted that the Temporary Certificate of Compliance will expire 10/31/15. The Board agreed that another Temporary Certificate would be appropriate. They wanted to give sufficient time to allow the new feed system to settle in.

**It was moved (Galligan) and seconded (Storrs) to issue a Temporary Certificate of Compliance for Benfield Farms Development 575 South Street, Carlisle MA until December 31, 2015 conditional upon weekly testing of the FAST system. Motion passed 5-0-0.**

**System Installer Tracking System** – The Board reviewed the new tracking system which describes how many inspections were required for each system, who did the work, and the reason for any re-inspections. The Board believes this will be helpful for owners looking for an installer. Fantasia noted that most of the systems are now installed with three inspections. This has made scheduling more efficient for the installer and the town.

**Unpaid Barn Fees** – the subject was tabled to a future meeting with the Animal Inspectors.

**95 Hanover Road – Septic installation.** The owner, Dr. Chantal Nouvellon, has requested to review her property files. The Town Administrator is arranging a date for the review. The Building Inspector will also be included.

**Work Place Safety** – Fantasia requested that the Board send a memo asking the Selectmen to develop guidelines for staff when dealing with difficult people. There have been many instances involving the 95 Hanover Road septic installation that have resulted in verbal insults and threats of lawsuits. Similar situations have occurred in other departments. Galligan added that there is a guideline for determining when a situation may become a potential source for violence. It is something that needs to be taken very seriously both in the current situation and any future ones. The Board agreed to document the current situation and request that the Selectmen intervene before the problem escalates.

**Irrigation Policy** – Galligan prepared a narrative based on the data prepared by Risso. There is a question about annual recharge that still needs to be resolved. The groundwater study being prepared by Scott Horsley may help. The goal of the policy is protection of drinking water not surface water bodies.

**Sanitary Code Inspection** – Fantasia reported that she and the Plumbing Inspector were asked to check the heating system by a tenant. The landlord was advised and agreed to the inspection. According to a laboratory test submitted by the tenant, the water supply contained Ethylene Glycol. The Plumbing Inspector thought a backflow preventer was not working. The landlord has agreed to have the system serviced and repaired. The work will be inspected by the Plumbing Inspector and the water will be retested. The tenant has decided to check with his physician.

**Groundwater Study** – Scott Horsley, consultant, sent Water Supply Regulations from Nantucket that he recommended for Carlisle. Risso asked Board members to review the regulations.

**MINUTES – It was moved (Galligan) and seconded (Margolies) to approve the minutes of 9/15/15 as amended. Motion passed 5-0-0. It was moved (Galligan) and seconded (Storrs) to approve the minutes of 9/29/15 as amended. Motion passed 4-0-1 (Thorsen was not present for the meeting).**

There was no further business. Meeting voted to adjourn at 8:55 p.m.

Respectfully submitted,

Linda M. Fantasia  
Recorder